

BOB MENENDEZ



THE MENENDEZ PLAN

***SECURING OUR BORDERS
BY MANAGING MIGRATION AND
REFUGEES IN THE AMERICAS***

Executive Summary

The United States has traditionally viewed the Western Hemisphere's migration and refugee challenges through the narrow lens of what is happening at the U.S. southwest border. Successive U.S. administrations have designed their domestic and foreign policies to respond to shifting needs at the border, an approach that has not created a sustainable long-term solution to a mixed flow of migrants and refugees. Our nation's migration approach is enforcement-driven, reactive, and overly focused on punitive policies to deter migrants once they arrive at our borders. The region's challenges require a comprehensive U.S. approach that recognizes individual country conditions and addresses the fact that the majority of migrants and refugees on the move in our hemisphere are not attempting to come to the United States.

In the years ahead, unprecedented levels of migration will continue to grow and pressure our nation's border due to a variety of forces creating instability in the region. The Western Hemisphere is home to three countries—Cuba, Venezuela, Nicaragua—that are consolidated dictatorships and one—Haiti—that is a failed state. Several other countries across the hemisphere, including Mexico and those in northern Central America, continue to suffer from the uneven and ineffective application of the rule of law, which allows pockets of violence and criminal activity to proliferate. Additionally, Latin America and the Caribbean suffered 26 percent of the world's COVID-19 deaths¹ despite representing eight percent of the global population², and the region experienced the world's largest economic contraction and the slowest economic recovery. Each of these scenarios drives migration and refugee flows and requires urgent, targeted actions.

Most migrants and refugees in our hemisphere are attempting to integrate in Latin America and the Caribbean. Countries in the region shoulder the responsibility for 20 million refugees, asylum seekers, internally displaced people, and stateless people.³ Colombia has absorbed nearly 2.5 million Venezuelans, and Peru, Ecuador, Chile, and Brazil host large Venezuelan populations.⁴ Costa Rica has welcomed 370,000 Nicaraguans—a figure nearly equivalent to eight percent of the country’s population.⁵

While the Americas region hosts 20 percent of persons of concern to the United Nations High Commissioner for Refugees (UNHCR) worldwide, it comprises just eight percent of the agency’s total budget requirements.⁶ Actual funding available is considerably less. In fact, the United States spends less on humanitarian and integration programs for migrants and refugees in our own hemisphere than we do for similar programs related to Ukraine and Syria.⁷ The implications of underfunding for refugees in the region are significant. If just ten percent of UNHCR’s persons of concern in the Americas find that they are unable to integrate where they currently are, nearly two million people could seek to relocate elsewhere.

The consequences of underfunding for migrant populations are considerably greater. In September 2021, the United States experienced the mass arrivals of Haitians at the U.S. southwest border. The majority had lived in Brazil and Chile for at least a decade, where they had access to temporary residency. When the pandemic hit, migrants were highly vulnerable to job losses and homelessness. The sudden loss of income, paired with tragic misunderstandings of U.S. border policies, pushed tens of thousands of migrants to our southwest border.

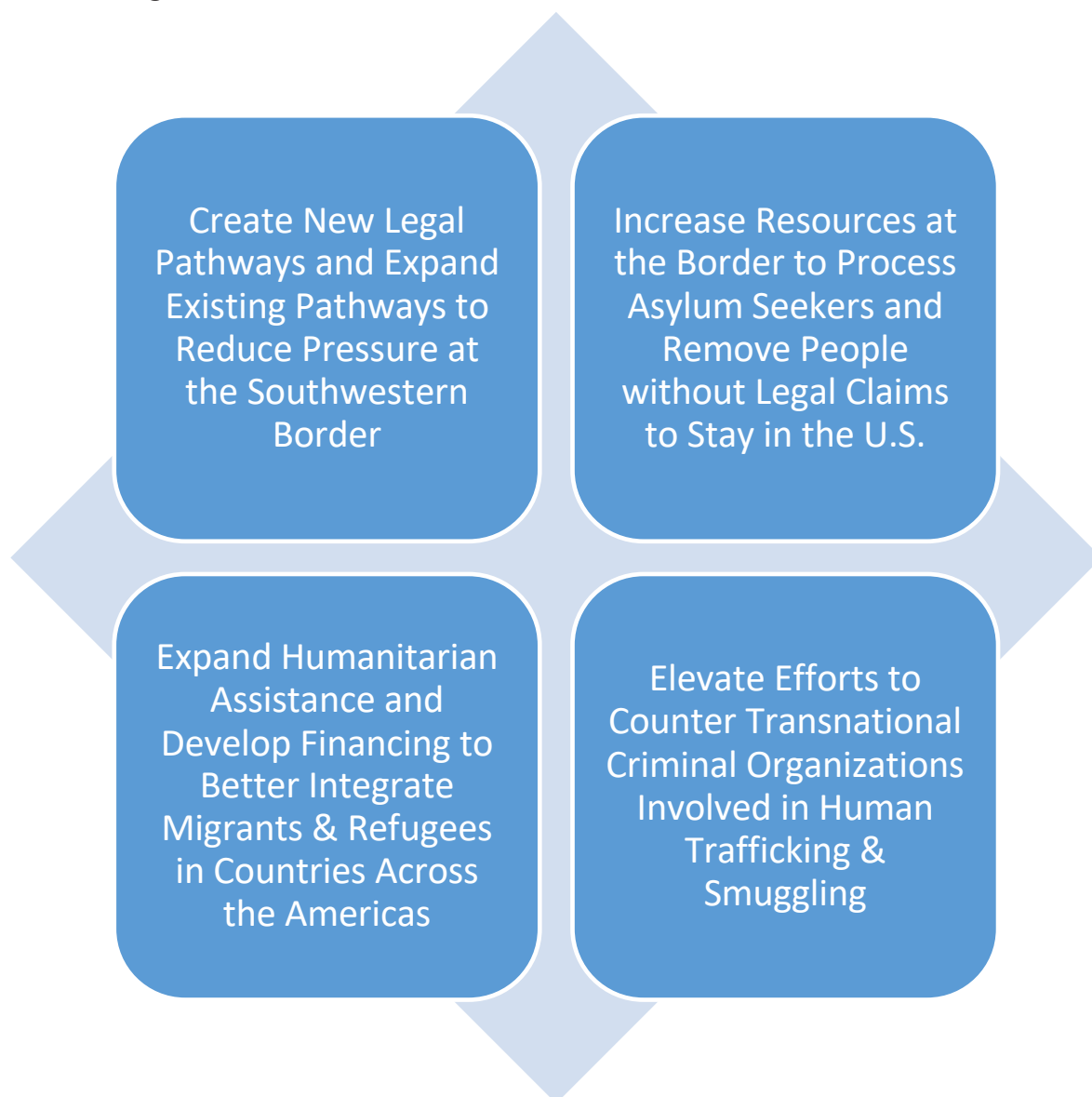
To address the cycle of mass migration at the southwest border, we must develop a sustainable and structural response to migration in the region. We should engage regional governments by expanding support to address the drivers of migration; investing in host countries and host communities that promote integration of displaced people; enhancing capacity and incentivizing regional governments to provide legal status to migrants and refugees; and expanding labor opportunities for migrants who would not qualify for asylum. All of these efforts will capitalize on the commitments reflected in the Los Angeles Declaration on Migration and Protection to collaborate and share responsibility for safely and humanely managing the movement of people throughout the Americas.⁸

This strategic reframing of migration management would also generate economic benefits in the U.S. and throughout the region. The governments of Colombia and Mexico have recognized that they have labor shortages that can be met by migrants and refugees. Already, Haitians and Cubans are filling vacancies at factories in Mexico. In Colombia, Venezuelans are filling gaps in the agriculture and transportation sector. In the United States, a labor shortage has led several Republican governors to call for an increase in immigration and more work permits for immigrant workers.⁹ The U.S. should view increased migration as an opportunity for growth and prosperity and as evidence of the strength of the U.S. economy. Indeed, a growing body of evidence demonstrates that migrants and refugees are a medium- to long-term economic boon for hosting nations when they are integrated effectively into society.¹⁰ The United States could be a leader in catalyzing economic growth throughout the region.

As we pursue this regional strategy, we must simultaneously implement fair and humane border management policies and financially support communities welcoming asylum seekers—both in the United States and across the Americas. We know from recent history that when our border policies are overly punitive, complex, and inaccessible, we increase migration pressure on fragile immigration systems throughout the region. Until we create a border processing infrastructure that can fairly and efficiently adjudicate the claims of mixed flows of migrants at the border, successive waves of irregular migration will undermine our efforts to secure the border. We need policies that provide new and accessible legal pathways to migrants seeking economic opportunities; expeditious and fair adjudication of asylum claims; and the prompt removal of migrants without legal claims to enter the country. We also need to ensure that cities receiving flows of migrants from the border are adequately resourced.

Four Pillars to Effectively Manage Migration in the Americas

To address these challenges, I propose four pillars to effectively manage migration in the Americas, from addressing the drivers of migration in the region to establishing border policies that maintain order and safety for migrants, refugees, and law enforcement alike:



Create New Legal Pathways and Expand Existing Pathways to Reduce Pressure at the Southwest Border

1. Create a parole program for individuals who can fill positions facing a labor shortage as determined by the governors of U.S. states, both for people migrating to the U.S. and undocumented individuals already in the U.S.
2. Work with Congress to make new visas available to address U.S. labor shortages.
3. Expand access to H-2 visas in Latin America and the Caribbean programming and enhance labor protections in the U.S. and employer outreach related to these visas.
4. Redesignate Honduras, El Salvador, Nicaragua, and Venezuela for Temporary Protected Status (TPS) and issue a new TPS designation for Guatemala; work with Congress on a comprehensive reform of the TPS statute to expand eligibility and increase time periods.
5. Increase U.S. in-country refugee processing for refugees in Mexico and continue to use humanitarian parole for more refugees and migrants from Haiti, Cuba, Nicaragua, and Venezuela.

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6. Increase frequency of United States Citizenship and Immigration Services (USCIS) circuit rides to interview refugees for resettlement and expand the Customs and Border Patrol (CBP) One mobile application beyond central and northern Mexico to prevent people from flying to Mexico and relying on smugglers to seek entry into the United States.
7. Expand private refugee sponsorship pilot program for migrants in Central America, Venezuela, Cuba, Nicaragua, and Haiti.
8. Fully implement the Haitian and Cuban family reunification parole programs and establish similar programs to promote the safe and orderly reunification of families from Central America.
9. Significantly increase public education about the Central American Minors refugee and parole program and maximize the use of that program to facilitate refugee admissions.

Increase Resources at the Border to Process Asylum Seekers and Remove People without Legal Claims to Stay in the United States

1. Work with Congress to increase resources for the expansion of expedited removal for single adults, including infrastructure and funding to create large-scale regional processing centers that co-locate Immigration and Customs Enforcement (ICE), USCIS, CBP, non-governmental organizations, and legal service providers. Families should be processed in non-detained settings and placed on alternatives to detention.
2. Work with Congress to identify and secure the resources required to significantly reduce the current asylum backlog to decrease the amount of time migrants live in the U.S without legal resolution of their cases.
3. Work with Congress to secure the resources to expand access to counsel for migrants and refugees at the southwest border to increase efficiency, due process, and to ensure fair and fast removals.
4. Implement and rapidly expand the Asylum Officer rule so that asylum seekers will be incentivized to use CBP One to schedule appointments at ports of entry. Update the CBP One app for better functionality and expand its reach to additional geographic areas.
5. Internally relocate migrants to their end destinations and provide additional funding for receiving communities to run community-based supervision programs. Federal relocation by the Department of Homeland Security (DHS) is needed to end the current challenge of states independently sending migrants to major urban centers without intergovernmental coordination.

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6. Create a new migration coordination office within the Federal Emergency Management Agency (FEMA) to support receiving communities with emergency migration management. Increase funding for the Office of Refugee Resettlement (ORR) to provide additional long-term integration support for asylum seekers and refugees.
7. Increase the salary of Border Patrol and Office of Field Operations employees for their increased workload of processing new migrants and patrolling the border.
8. Research and invest in effective public relations strategies—in all relevant languages—to educate migrants about opportunities to migrate through existing lawful pathways to combat misinformation from smugglers and increase understanding of U.S. border policies.
9. Increase the visibility of the International Organization for Migration's Assisted Voluntary Return and Reintegration programs for migrants with no viable legal basis to stay in the United States.
10. For recalcitrant countries that do not accept expedited removal returns, identify individuals in key government agencies to be designated for visa revocations and prohibitions.

Expand Humanitarian Assistance and Develop Financing to Better Integrate Migrants and Refugees in Countries Across the Americas

1. Increase the U.S. percentage of funding for United Nations humanitarian appeals for Colombia, El Salvador, Guatemala, Haiti, Honduras, and Venezuela.
2. Establish a \$300 million fund at United States Agency for International Development (USAID) for development initiatives to support and assist communities hosting migrants and refugees in order to strengthen integration and inclusion programs across the Americas.
3. Encourage the World Bank and Inter-American Development Bank (IDB) to utilize existing resources to replicate initiatives similar to the \$800M in concessional financing provided to the Government of Colombia for programs to regularize Venezuelan migrants.
4. Target public sector and private sector development financing by the IDB and U.S. Development Finance Corporation (DFC) to support urban economic development throughout the Americas for cities hosting significant numbers of migrants and refugees.
5. Establish an Enterprise Fund managed by the U.S. Development Finance Corporation to increase investment in companies across the Americas that hire a significant number of migrants and refugees.

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6. Enhance U.S. bilateral assistance and multilateral grants and financing to mitigate further displacement and migration related to food insecurity and vulnerability throughout the Americas.
7. Direct the State Department's Bureau of Populations, Refugees and Migrations (PRM) to increase humanitarian assistance for vulnerable migrant populations in the Americas, including humanitarian aid for vulnerable Haitians and Cubans.
8. Direct PRM to increase its support to International Organization for Migration's (IOM) and UNHCR's efforts to improve migration management in the Americas.
9. Secure commitments from countries in the Americas to establish and advertise annual visa quotas and vacancies for Latin American and Caribbean populations.
10. Engage with American Chambers of Commerce (AmChams), the International Labor Organization, and the International Organization for Migration worldwide to identify labor vacancies and partnership opportunities globally.

Expand Humanitarian Assistance and Develop Financing to Better Integrate Migrants and Refugees in Countries Across the Americas

11. Secure commitments from Canada, the European Union, donor countries, and the private sector to significantly increase humanitarian and development programming in the Americas.
12. Forego any Safe Third Country agreement with Mexico.
13. Encourage and support policies and legislation in the Americas related to the drivers of migration and the integration of displaced populations in countries in the region, including for example, Mexico's efforts to set up a mechanism to address internal displacement.
14. Activate new programming from USAID to address urgent needs of internally displaced persons (IDPs) in Mexico and Haiti and reverse the recent drop in funding for IDPs in Colombia.
15. Support capacity-building for countries' humane migration management, including technical assistance for creating new and expanding existing legal pathways and conducting removals in accordance with non-refoulement principles.

Elevate Efforts to Counter Transnational Criminal Organizations Involved in Human Trafficking and Smuggling

1. Work with Congress to expand sanctions authorities, including asset blocking and visa revocations/prohibitions, on individuals and networks involved in human smuggling and trafficking.
2. Work with Congress to increase existing penalties for offenses related to the smuggling and trafficking of migrants.
3. Take steps to increase prosecutions in the United States of migrant smuggling and human trafficking by investing in Homeland Security Investigations and the Federal Bureau of Investigations, as well as expand U.S. Government support to partner governments in the region to increase similar prosecutions.
4. Deploy transnational child protection team at key regional border crossings.

Endnotes

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